

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Staff Report for Item 7

**Tentative Resolution**  
**Order No. R9-2002-0069**

A Resolution Conditionally Waiving  
Adoption  
of Waste Discharge Requirements for the  
Discharge of Burn-Ash Wastes Into  
Temporary Waste Piles During Cleanup and  
Abatement of Burn-Ash Wastes Located in  
Proximity to 38<sup>th</sup> and Quince Street in the  
City of San Diego.

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## **INTRODUCTION**

This staff report provides a summary of factual and analytical evidence supporting the adoption of tentative Resolution No. R9-2002-0069, A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for the Discharge of Burn Ash Wastes into Temporary Waste Piles during Cleanup and Abatement of Burn Ash Wastes located in Proximity to 38<sup>th</sup> and Quince Street in the City of San Diego.

## **BACKGROUND**

Historically, “burn dumps” were sites where solid wastes were been burned at low temperatures and the residual burn ash and debris were used as “fill material” or discharged into waste piles. Wastes were typically burned to reduce the volume of wastes in a dump and to reduce problems with vermin and odors. Burning trash reduces its volume and causes certain constituents (e.g., metals) to become more concentrated in the residual ash (or “*burn ash*”). Today, historical burn dumps commonly contain little biodegradable organic material because of the combustion of waste materials and the ages of the sites.

The Quince Street burn ash site is located in the vicinity of 38<sup>th</sup>, 39<sup>th</sup> and Quince Streets in the City Heights neighborhood of San Diego (see Executive Officer Summary Report: Attachment 3 for Project Location Maps). The general area was formerly used to dispose of locally generated municipal solid wastes (City of San Diego, 1938). Reportedly, the 2-acre site operated between 1922 and 1939 as an open burn dump for municipal wastes generated by activities in the local area. Wastes were reportedly disposed of and burned regularly, creating what is referred to as the “Quince Street Burn Site”. During the time when waste burning operations were active, adjacent properties included rural and residential land uses. Residences currently located within the burn site footprint were constructed between 1953 and 1962 on existing fill material comprised of burn ash wastes discharged before 1952. The total volume of residual burn ash wastes and ash-bearing soils is estimated at 20,000 cubic yards.

The City of San Diego (the “City”) entered into a voluntary clean up agreement with the California Department of Toxic Substance Control (DTSC) to oversee the removal of the burn ash wastes and contaminated soils. The City proposes to remove up to three feet of burn ash-containing soil located on the residential properties, on a portion of the City right-of-way known as 38<sup>th</sup> Street south of Quince Street, and in an alley located north of Quince Street. Remediation contractors working for the U.S. Environmental Protection Agency (USEPA) will perform the excavation, create temporary waste piles (referred to by the City as “*stockpiles*”), conduct the loading and transport of wastes, implement site-specific and community health and safety monitoring, and undertake response measures as required. The intent of the removal action is not to remove all of the burn ash-containing soil, but to remove wastes to reduce human health risk to an acceptable level. Burn ash wastes and soils containing waste constituents may remain at depths greater than three feet on those properties located within the scope of the removal action. Burn

ash will also remain beneath paved areas at the affected residential properties and within the City right-of-way.

## **TECHNICAL EVALUATION**

On May 4, 1999, the City of San Diego provided the Regional Board with a Technical Report entitled “Site Investigation Report, 38<sup>th</sup> Street Burn Dump, San Diego County, California.” The Report indicates that hazardous wastes (i.e., burn-ash wastes) are located within a residential area in proximity to the intersection of 38<sup>th</sup> and Quince Streets in the City Heights section of the City of San Diego. The delineation of burn ash waste and waste constituents was assessed during site investigations including the collection of soil samples from test pits/trenches and soil borings, and water samples from the municipal storm drain system. Burn ash wastes were observed in each of the borings with detectable lead concentrations exceeding the Soluble Threshold Limit Concentration (STLC) of 5 mg/L, which is one criteria established by the California Code of Regulations Title 22 for identifying California Hazardous Wastes. Analytical results for other metals indicate that detectable concentrations of arsenic, barium, cadmium, chromium, cobalt, copper, mercury, nickel, selenium, silver, vanadium, and zinc, were present in the burn ash wastes. In addition to metals, other combustion products, including dioxins and furans, were also present in samples collected within top three feet of soils located within the footprint of the burn site.

The City submitted a Removal Action Workplan (RAW) to the Regional Board on February 7, 2002. The RAW identified the preferred remedial action as excavation and removal of burn ash wastes with off site disposal of approximately 5,200 to 5,300 cubic yards of burn-ash wastes (at Kettleman Hills Landfill in Kettleman City, California). The RAW proposes to create short-term, temporary waste piles of for the purpose of staging wastes just prior to off site disposal. The RAW provides a description of the implementation of excavation, creation and management of temporary waste piles, and final off-site disposal of wastes from the 38<sup>th</sup> and Quince Street dump.

On February 15, 2002, the City submitted a Report of Waste Discharge (ROWD: see Attachment 1 to the Executive Officer Summary Report for Item 7) and documents to support their request for a waiver from Waste Discharge Requirements (WDRs). The City requested the waiver from WDRs for the creation of temporary waste piles (also referred to as “*stockpiles*” in the ROWD) during the cleanup and abatement of burn-ash wastes. The application indicates that the City proposes to excavate, stockpile and remove between 5,200 and 5,300 cubic yards of burn ash related wastes from the Quince Street burn site. After excavation, the burn ash related wastes will be discharged into on-site temporary waste piles prior to loading and transportation of the wastes to the off-site disposal facility. The temporary waste piles will be located only within the existing burn ash footprint and only for the limited duration of the project to cleanup and abate burn ash wastes. The City indicates that due to space constraints, the loading and transport of wastes shall be conducted frequently and they anticipate that the volume of individual waste piles would not exceed 200 cubic yards at any time. The City anticipates that up to

400 truckloads shall be required to transport the wastes to the designated disposal facility. The City has also indicated that the creation of temporary waste piles shall only occur during the 60-day excavation and removal phase of the project. The Regional Board staff recommends an expiration date for the conditional waiver in Tentative Resolution R9-2002-0069 as September 30, 2002. The Regional Board staff believes this deadline incorporates the project schedule anticipated by the City and a reasonable amount of extra time for temporary delays due to unforeseen circumstances.

To prevent the creation of nuisance conditions, the City proposes to cover temporary waste piles with plastic during non-working hours and during precipitation events. Surface water flows shall be diverted from waste piles as necessary. Implementation of best management practices (BMPs) such as silt fences, catch basins, a liner and earth berms along with other containment structures will prevent and/or contain any erosion/migration of wastes from the temporary waste piles. A stabilized construction entrance will be installed at construction vehicle egresses to help prevent incidental transport of waste constituents off site.

On April 8, 2002 the City of San Diego adopted a Mitigated Negative Declaration for the removal of the burn ash wastes and associated soils from the Quince Street burn ash site. This action was taken to satisfy requirements of the California Environmental Quality Act (Public Resources Code, Section 21000 *et seq.*) and applicable State guidelines. The Mitigated Negative Declaration concludes that there will be no significant adverse water quality impacts.

## **WAIVER OF WASTE DISCHARGE REQUIREMENTS**

Section 13260(a) of the California Water Code requires that any person discharging waste or proposing to discharge waste within any Region file a ROWD with the California Regional Water Quality Control Board. The California Code of Regulations, Title 23, Division 3, Chapter 15 (“*Chapter 15*”) commencing with Section 2510, contain requirements governing the discharge of hazardous wastes to land. The uncontrolled discharge of burn ash and related soils classified as hazardous wastes could affect the quality of the waters of the State and these discharges are subject to State regulations included in Chapter 15.

Section 13269 of the California Water Code authorizes Regional Boards to waive the adoption of waste discharge requirements for a specific discharge or a specific type of discharge where such a waiver is not against the public interest. Water Code Section 13269 states that the provisions of Sections 13260(a) and (b), 13263(a), or 13264(a) may be waived by a Regional Board as to a specific discharge or a specific type of discharge where such waiver is not against the public interest. The Water Code requires that such a waiver shall be conditional and may be terminated at any time by the Regional Board.

## **CONCLUSIONS**

Tentative Resolution R9-2002-0069 applies to a specific limited duration project including the creation of temporary waste piles during the cleanup and abatement of an estimated 5,200 to 5,300 cubic yards of burn ash wastes. Tentative Resolution R9-2002-0069 will help to facilitate the cleanup and removal of wastes from the site. The remedial action is comprised of the excavation of burn ash wastes, creation of temporary waste piles prior to transport and disposal of the wastes into a Class I landfill (Kettleman Hills Landfill). Based upon elevated concentrations reported for leachable lead, the burn ash wastes are classified as a California Hazardous Waste. The burn ash wastes also include elevated concentrations of other metals, dioxins and furans. The proposed duration of cleanup project, including creation of temporary waste piles, is relatively short (projected at 60 days) which reduces the potential of an adverse event and impacts to surface or groundwater resources. The City has anticipated the cleanup project will commence after April 22, 2002 and be completed by June 22, 2002. The cleanup project is scheduled to take place during the months of the year when the potential for significant precipitation events is low.

The Regional Board staff concludes that a conditional waiver of Waste Discharge Requirements is applicable for the following reasons: a.) implementation of the waiver conditions will effectively eliminate the potential for wastes/wastes constituents (e.g., metals, dioxins, furans, etc.) to migrate via erosion or within surface water runoff; b.) waste piles shall be located only within the existing footprint of burn ash wastes; d.) the volume of wastes in an individual waste pile (two waste piles are planned to be created by the City) will be relatively small (limited to 200 cubic yards) and should be effectively managed using the methods proposed by the City; and e.) the California DTSC and the City of San Diego Local Enforcement Agency (LEA) will provide regulatory oversight of the excavation and removal of burn-ash wastes from the site.

Based upon the information provided by the City in the ROWD, and supporting technical documents, it is unlikely that the temporary storage of burn-ash wastes pose a significant threat to water quality. Tentative Resolution No. R9-2002-069 would, if adopted, conditionally waive the adoption of waste discharge requirements for the discharge of burn ash wastes into short-term, temporary waste piles. A conditional waiver of waste discharge requirements for the proposed discharge of wastes into temporary waste piles would not be against the public interest because compliance with the conditions established in Tentative Resolution No. R9-2002-0069 will significantly reduce the risk that the proposed discharge of wastes will create a condition of pollution or nuisance in violation of the California Water Code and Comprehensive Water Quality Control Plan, San Diego Basin.

## **RECOMMENDATION**

The Regional Board staff recommends adoption of Tentative Resolution No. R9-2002-0069.

**REFERENCES CITED**

**URS, 2002**, Draft Final Removal Action Workplan (RAW) Former Quince Street, San Diego, California, dated February 2002.

**City of San Diego, 1938**, City Planning Commission – City of San Diego, California: Report on Refuse Dumps, Doc. No. 306491, dated January 31, 1938.

**City of San Diego, 2002**, Report of Waste Discharge, dated February 15, 2002.

**City of San Diego**, February 15, 2002, Mitigated Negative Declaration

**State of California, 2002**, California Water Code Section 13000 *et seq.*